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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/241,989

02/02/1999

MASARU SUZUKI

250129-1030

9403

24504

7590

04/29/2008

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EXAMINER

DUONG, THOI V

ART UNIT

PAPER NUMBER

2871

MAIL DATE

DELIVERY MODE

04/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/241,989	Applicant(s) SUZUKI ET AL.	
	Examiner Thoi V. Duong	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,13,15-19 and 42-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,13,15-19 and 42-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 121,657.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment filed on August 09, 2007.

Accordingly, claims 2, 8-12, 14, 20-41 and 51-66 were cancelled. Currently, claims 1, 3-7, 13, 15-19 and 42-50 are pending in this application.

The amendment filed on June 22, 2006 is also addressed here because of an improper format which had not been identified before.

Allowable Subject Matter

2. The indicated allowability of claims 1, 3-7, 13, 15-19 and 42-50 is withdrawn in view of the reissue application declaration which is defective as shown below.

Claim Objections

3. The format of Applicant's amendment filed June 22, 2006 is improper under 37 CFR 1.173(b) and (d). 37 CFR 1.173 (d) requires that any changes relative to the patent include the following markings: (1) brackets for subject matter omitted from the patent and (2) underlying for subject matter added to the patent. The markings should denote changes relative to the patent and not to previous amendments. The amendment filed June 22, 2006 uses strike-throughs (instead of brackets) for omitted matter and the claims are not amended relative to the patent as evidenced by new claims (i.e., those not being totally underlined). See MPEP 1453.

Oath/Declaration

4. The reissue declarations filed on 2/2/1999 and 4/28/2003 with this application is defective because none of the errors which are relied upon to support the reissue

application are errors upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The first error that Applicant intended to describe and claim a feature of “enhancing illumination through a film by “directionally distributing (diffused light) from smooth surfaces of the prisms” based on Fig. 5 is not specific enough. MPEP 1414.II.C states that “any error in the claims must be identified by reference to the specific claim(s) and the specific claim language where lies the error. A statement of “... failure to include a claim directed to ...” and then presenting a newly added claim, would not be considered a sufficient “error” since Applicant has not pointed out what the other claims lacked that the newly added claim has, or vice versa.” Based on the description of this first error, it is not even clear if Applicant just wants to add a dependent claim to the given limitation.

Next, the second error that Applicant intended only that a top angle of 90 degrees to about 120 degrees be required instead of 95 degrees to 120 degrees appears incorrect. First, that Applicant even included 90 degrees in dependent claim 2 of the original parent application appeared to be a typo that Applicant removed by the first amendment. This conclusion is based on the reading of the specification that described the invention only in terms of 95 degrees and taught that 90 degrees caused a “degradation of image quality” (see column 5, lines 33-45 of the parent patent). Second, that Applicant is now using “about” 120 degrees appears to be new matter. The only range given in the original specification and claims of the patent application was 95 degrees to 120 degrees. Applicant by now including “about 120 degrees would include

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something above 120 degrees which Applicant specifically teaches away from the specification (see column 4, lines 46-51).

5. Claims 1, 3-7, 13, 15-19 and 42-50 of the amendment filed August 09, 2007 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms, can be reached at (571) 272-1787.

/Thoi V. Duong/ - Primary Examiner

April 23, 2008

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